

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

DUSTIN SEEGRIST,

Plaintiff,

vs.

UNKNOWN POLICE OFFICER, Police
Officer/K-9 handler at Rapid City Police
Department, in his individual capacity,

Defendant.

CIV. 19-5009-JLV

ORDER

Plaintiff Dustin Seegrist filed this *pro se* civil rights action under 42 U.S.C. § 1983 alleging an unknown police officer violated his constitutional rights by allowing a Rapid City Police Department ("RCPD") dog to attack him. (Docket 1). He moved the court to appoint counsel, asserting he cannot afford to retain counsel, his incarceration will hinder his ability to litigate the case, and an attorney would be better positioned to try the case if necessary. (Docket 6). In a civil case, "[t]he relevant criteria for determining whether counsel should be appointed include the factual complexity of the issues, the ability of the indigent person to investigate the facts, the existence of conflicting testimony, the ability of the indigent person to present the claims, and the complexity of the legal arguments." Phillips v. Jasper County Jail, 437 F.3d 791, 794 (8th Cir. 2006).

The court finds it appropriate to appoint counsel on a temporary basis. Plaintiff has no real ability to investigate the facts of his claim because he is incarcerated. Attorney Steven Beardsley has agreed to accept a 60-day

appointment on a *pro bono* basis to interview plaintiff, investigate the facts of the claim, and further evaluate the claim's merits.

Accordingly, it is

ORDERED that plaintiff's motion to appoint counsel (Docket 6) is granted.

IT IS FURTHER ORDERED that attorney Steven Beardsley is appointed as counsel to represent plaintiff. This appointment is made to allow Mr. Beardsley to interview plaintiff and to conduct further investigation of his claims as counsel deems appropriate. Mr. Beardsley's contact information is:

Steven Beardsley
4200 Beach Drive, Suite #3
Rapid City, South Dakota 57702
(605) 721-2800

IT IS FURTHER ORDERED that Mr. Beardsley shall serve without compensation except for any compensation he may be entitled to under 42 U.S.C. § 1988(b) or Section 2.6 of the Sixth Amended Plan for the Administration of the District Court Attorney Admission and Pro Bono Fund in the event his appointment continues for the remainder of the case.

IT IS FURTHER ORDERED that on an *ex parte* basis Mr. Beardsley shall advise the court on or before **March 9, 2020**, whether he agrees this appointment should continue for the remainder of the case.

Dated January 9, 2020.

BY THE COURT:



JEFFREY L. VIKEN
UNITED STATES DISTRICT JUDGE